



Appeal Decision

Site visit made on 11 January 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2021

Appeal Ref: APP/G5750/W/20/3254982

86 Thackeray Road, East Ham, London, E6 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss S Ring against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/00653/FUL, dated 26 March 2020, was refused by notice dated 11 May 2020.
 - The development proposed is described as 'Change of uses from a HMO single dwelling to 2 Flats'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's decision describes the proposal as 'the change of use from a house in multiple occupation to 2 x 3 bedroom flats'. From the submitted documents it is clear that this describes the proposal more accurately and I have determined the appeal on this basis.
3. The appeal site's planning history includes an extant Enforcement Notice in respect of its current use as a sui generis house in multiple occupation (HMO) following a dismissed appeal. It is clear then that the current use is unlawful and I have considered the appeal on this basis.

Main issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the supply of family-sized dwellings in the Borough;
 - the living conditions of i) the future occupiers of the proposed ground floor flat with regard to a) the amount of accommodation and b) light, ventilation and outlook and ii) the future and neighbouring occupiers with regard to noise.

Reasons

Supply of family-sized dwellings

5. The development plan includes policies H4 and S6 in the London Borough of Newham Local Plan (LP) which seek to protect the supply of existing family housing and in particular larger homes from conversion to smaller units unless

it meets the exceptions specified in order to build a stable, mixed and sustainable community. These are a recent and evidenced policies which are supported by national policy in the National Planning Policy Framework (the Framework) which seeks to not only make efficient use of land but to ensure that the size, type and tenure of housing needed for different groups in the community is reflected in policies.

6. The large end of terrace property is located within a residential area close to facilities and services. The application states that it currently has ten bedrooms. Whilst the appellant considers that it is an oversized property and that use as a single family home would be wasteful and open to abuse, the Council says that it could provide five good sized bedrooms or seven based on its current layout at first and second floor levels. I agree then with the Council that it would be suitable for a large family.
7. The proposal would provide two, three bedroom flats for market housing and would result in a net gain of one additional unit. However, I accept the Council's evidence which clearly shows that the proposal would not meet any of the exceptions in policy H4, which include a location within a Local Centre and four or more bedrooms per unit. Whilst it lies within 400m of the Local Centre as defined in the LP, the LP policies map shows that it is not located within the Local Centre. Although the Appellant has said that it could provide four bedroom flats, I must only consider the scheme as determined by the Council. Therefore, it would fail to accord with policy H4 and would result in the loss of a large family-sized dwelling which would harm the supply of such dwellings in the Borough.

Living conditions

8. LP policy H1 refers to the space standards in the London Plan. In this case, the standards are the same as those in the DCLG 'Technical housing standards – national described space standard'. Although the proposed first floor/loft level flat would comply with the minimum requirement of 93 sq m for a three bedroom, five person flat, the proposed ground floor flat would have a shortfall of some 15.5 sq m below the minimum requirement of 95 sq m for a three bedroom, six person flat. Whilst the bedroom spaces would comply, the overall internal floor area would be too small for the potential number of occupiers. The plans also show that the length of the basement bedroom in that flat would be such that lightwells on either side would fail to provide sufficient light and it would have limited ventilation and a restricted outlook. The proposal would therefore result in a poor standard of accommodation which would significantly harm the living conditions of the future occupiers of the ground floor flat.
9. The creation of two residential units is likely to result in a higher intensity of use than the lawful C3 use as a single dwelling. This is because there would be additional kitchens, bathrooms and domestic appliances which would generate noise at different times and at different levels. The appellant has suggested that such appliances could be repositioned, each flat could be provided with quiet appliances and sound proofing could be provided. I must consider this appeal on the basis of the scheme determined by the Council and am unable to take into account any further suggested changes by the appellant. In any case, it would be difficult to enforce any condition requiring the provision of such appliances and the application does not provide sufficient detail to show that a condition requiring other technical measures such as sound proofing

would be achievable or would overcome the harm. The proposal would, therefore, result in significant noise which would affect the ability of both the neighbouring and the future occupiers to enjoy their homes, thereby significantly harming their living conditions.

10. As well as LP policy H1, the most relevant development plan policies in this regard are LP policies SP1, SP2, SP3 and SP8 which seek to ensure that new developments integrate well with their surroundings, improve housing quality and avoid harmful impacts on neighbours. The proposal would therefore be contrary to those policies and to the Framework which has similar objectives.

Conclusion

11. For the reasons stated above, I conclude that the proposed development would result in significant harm to the supply of family-sized dwellings in the Borough and to the living conditions of both the future occupiers and the neighbouring occupiers, contrary to the development plan and the Framework. The appeal is dismissed.

Sarah Colebourne

Inspector